IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7836 of 2005

Between:

T.J. Jayakar, S/o. Sri T.Charles,

R/o. Flat No.202, Harmony Heavens,

Plot No.134, West Maredpally,

Secunderabad – 500 026

..... PETITIONER

AND

1. The Cooperative Tribunal, A.P., Hyderabad.
2. B.H.E.L. Anusandhana Vikasa Employees

   Mutually Aided Cooperative Housing Society Limited,

   Regd No.AMC/RR/DCO/56/99 dt. 15.12.1999

   Represented by its President at Alwal, Ranga Reddy District.

   Office at: B.H.E.L Colony,

   Opp. to Layola Academy, Alwal,

   Secunderabad – 500 010

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the order of the first respondent dated 31.10.2004 in I.A.No.1556 of 2004 in O.P.No.317 of 2004 as illegal, unjust and arbitrary and further direct that the first respondent Society shall not allot the “A” type A-2/2 duplex house allotted to the petitioner to any other person pending the O.P.No.317 of 2004 before the first respondent.

Counsel for the Petitioner: MR.M.V.DURGA PRASAD

Counsel for the Respondent No.1: The G.P for Cooperation

Counsel for the Respondent No.2: None appeared.

The Court at the stage of admission made the following ORDER:

ORDER:

Heard both the sides.

2. The petitioner seeks a writ of mandamus declaring the order dated 30.10.2004 passed by the first respondent-Tribunal in I.A.No.1556 of 2004 in O.P.No.317 of 2004, as illegal and arbitrary and to further direct the second respondent-Society not to allot the “A” type A-2/2 duplex house allotted to the petitioner to any other person pending O.P.No.317 of 2004.

3. The grievance of the petitioner is that he is the original allottee of the above said house and on the alleged ground of default, the allotment had been cancelled and the same is being allotted to others.

4. The learned counsel appearing for the petitioner contends that the reasons for default are not attributable to the petitioner but are attributable only to the second respondent-Society, which could not furnish the necessary information in time. However, the same had been challenged before the first respondent-Tribunal by way of O.P.No.317 of 2004. Along with the said O.P., it appears that I.A.No.1556 of 2004 had been filed under Section 37(1)(b) of the A.P. Mutually Aided Cooperative Societies Act, 1995 to restrain the second respondent-society from allotting the plot in question to the third parties. The said I.A. was dismissed.

5. The result of such dismissal would naturally be that the plot or house would be allotted to third parties and in the event of the O.P. being disposed of in favour of the petitioner further complications would arise.

6. Therefore, in order to avoid the multiplicity of the litigation and future complication, I feel it appropriate to direct the second respondent not to allot the plot in question to anyone pending disposal of O.P.No.317 of 2004.

7. With the above directions, the writ petition is disposed of. However, the first respondent-Tribunal is directed to dispose of the O.P. with utmost expedition, preferably, within a period of four months from the date of receipt of a copy of this order. No costs.

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D.S.R.VARMA, J

Date: 07.04.2005

Note: Furnish CC in 3 days

B/o

va

To

1. The Cooperative Tribunal, A.P., Hyderabad.
2. The President, B.H.E.L. Anusandhana Vikasa Employees

   Mutually Aided Cooperative Housing Society Limited,

   Regd No.AMC/RR/DCO/56/99 dt. 15.12.1999

   Alwal, Ranga Reddy District.

   Office at: B.H.E.L Colony,

Opp. to Layola Academy, Alwal,

Secunderabad – 500 010

3. Two CCs to G.P. for Cooperation, High Court of A.P. Buildings, Hyderabad (OUT)

4. Two CD Copies